

CONVEYANCE OF NATIONAL FOREST LANDS TO ELKO  
COUNTY, NEVADA, FOR USE AS CEMETERY

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SEPTEMBER 8, 1999.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

REPORT

[To accompany H.R. 1231]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1231) to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. CONVEYANCE OF NATIONAL FOREST LANDS TO ELKO COUNTY, NEVADA, FOR USE  
AS CEMETERY.**

(a) **REQUIREMENT TO CONVEY.**—The Secretary of Agriculture shall convey, without consideration, to Elko County, Nevada, all right, title, and interest of the United States in and to the real property described in subsection (b), for use as a cemetery.

(b) **DESCRIPTION OF PROPERTY.**—

(1) **IN GENERAL.**—The property referred to in subsection (a) consists of (A) a parcel of National Forest lands (including any improvements thereon) in Elko County, Nevada, known as Jarbidge Cemetery, consisting of approximately 2 acres and described as follows: NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , S. 9 T. 46 N, R. 58 E., MDB&M; and (B) the existing bridge over the Jarbidge River that provides access to that parcel, and the road from the bridge to the parcel as depicted on the map entitled ‘Elko County Road and Bridge Conveyance’ dated July 27, 1999.

(2) **SURVEY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. As a condition of any conveyance under this section, the Secretary shall require that the cost of the survey shall be borne by the County.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as

the Secretary considers appropriate to protect the interests of the United States, except that the Secretary may not retain for the United States any reversionary interest in property conveyed under this section.

#### PURPOSE OF THE BILL

The purpose of H.R. 1231 is to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery.

#### BACKGROUND AND NEED FOR LEGISLATION

The town of Jarbidge, in Elko County, Nevada, is a historic community of some 25 permanent residents that is surrounded by National Forest lands in what is known as the Jarbidge Wilderness. Near the town, situated on National Forest land, is a small cemetery where Jarbidge residents have been buried since the early 1900s. The Jarbidge Cemetery is permitted to Elko County by a special use authorization from the Forest Service. At times, this permit has run for 10 and 20 year periods.

The residents of Jarbidge have long expressed an interest in having two acres, containing the cemetery, conveyed to the County so they might have a permanent, private cemetery. Many of those buried there were miners and their families who founded the town. The residents feel that conveyance of the National Forest land will insure that they will always have full use of this property.

#### COMMITTEE ACTION

Congressman Jim Gibbons (R-NV) introduced H.R. 1231 on March 23, 1999. The legislation was referred to the Committee on Resources and subsequently within the Committee to the Subcommittee on Forests and Forest Health. The Subcommittee on Forests and Forest Health held a hearing on H.R. 1231 on June 17, 1999. Congressman Gibbons and the U.S. Forest Service testified. On August 4, 1999, the Committee on Resources met to consider the bill. The Subcommittee on Forests and Forest Health was discharged from further consideration of the bill by unanimous consent. Congressman Gibbons offered an amendment that also conveyed a small bridge and road to the County, as requested by the Forest Service. It was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 6, 1999.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1231, a bill to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Victoria Heid Hall (for federal costs), and Marjorie Miller (for the state and local impact).

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 1231—A bill to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery*

CBO estimates that implementing H.R. 1231 would have no impact on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 1231 would direct the Secretary of Agriculture to convey to Elko County, Nevada, about two acres of national forest land for use as a cemetery, as well as a bridge and part of a road that provide access to that land. The conveyance would be at no cost to the

county. According to the Forest Service, the county currently uses the two acres of federal property for a cemetery free of charge under a special use permit. Therefore, conveying the property to the county would not result in a loss of permit fee receipts.

H.R. 1231 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. This conveyance, and all costs associated with it, would be voluntary on the part of the county. The only cost incurred by the county would be for a survey to determine exact acreage and description of the property. The bill would have no other significant impact on the budgets of state, local, or tribal governments.

The CBO staff contacts are Victoria Heid Hall (for federal costs), and Marjorie Miller (for the state and local impact). This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

